

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NEW YORK

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In re:

CELESTINE J. HUEITT
aka CELESTINE G. HUEITT,

Case No. 17-11941
Chapter 13

Debtor.

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CONDITIONAL ORDER FOR RELIEF FROM THE AUTOMATIC STAY

MOTION HAVING BEEN MADE to this Court by U.S. Bank Trust, N.A., as Trustee for LSF9 Master Participation Trust (hereinafter "Movant"), by Notice of Motion dated May 10, 2018, for an Order (i) modifying and terminating the automatic stay dated to permit Movant to exercise all of its rights and remedies with respect to certain collateral known as 46 Glenwood Avenue, Buffalo, NY 14209 (the "Property"); (ii) relief from the Co-Debtor Stay pursuant to 11 U.S.C. § 1301(c)(3); and (iii) granting Movant the attorney fees and costs of this motion; and due notice of said motion having been given to Celestine J. Hueitt (the "Debtor"), Gene Anthony Glenn (the "Co-Debtor"), Peter Grubea, Esq. ("Debtor's Counsel"), and Albert J. Mogavero (the "Trustee"); and the attorneys for Movant and the attorneys for the Debtor having consented to the relief requested upon the terms and conditions set forth herein; and the Trustee having raised no objection to the same; and the parties having agreed that the Debtor is in arrears of post-petition mortgage payments for the following months and in the following sums:

- A. Post-Petition Mortgage Arrears for February 2, 2018 to June 2, 2018 in the amount of \$ 2,294.65
- B. Attorneys fees and costs for preparation and filing of motion to lift stay in the amount of \$ 531.00
- C. Debtor's Suspense \$ 92.96

Total Sum Due: \$ 2,732.69

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and after due deliberation having been had; it is hereby

ORDERED, that the Debtor shall pay to Movant, by certified check or money order the aforementioned total amount due as follows, the sum of \$546.53, within 5 days of fully executed Conditional Order, and the balance of \$2,186.16 in six (6) monthly installments of \$364.36 each commencing June 15, 2018 and ending on November 11, 2018, which payments represent post petition mortgage installments and late charges for the months of February 2, 2018 through June 2, 2018; The Conditional Order Installment Payments must be mailed to **Caliber Home Loans, Inc., P.O. Box 650856, Dallas, TX 75365**; and it is further

ORDERED, that the Debtor is to make regular post-petition mortgage payments beginning July 2, 2018 in the amount of \$458.93 (the "Post-Petition Mortgage Payment"). The Post-Petition Mortgage Payments must be mailed to **Caliber Home Loans, Inc., P.O. Box 650856, Dallas, TX 75365**; and it is further

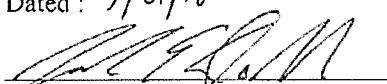
ORDERED, that upon the Debtor's failure to make the Conditional Order Installment Payments within ten (10) days of the date said payment was due; and upon the Debtor's failure to cure the said default within ten (10) days of receipt of the written notice to the Debtor, Co-Debtor and the Debtor's Counsel; and upon the filing with the Court of an affirmation of non-compliance—informing the court of said default(s) and requesting the entry of an order granting relief from the automatic stay and Co-Debtor Stay with respect to Movant; and upon the entry of that order for relief from the automatic stay and Co-Debtor Stay, the automatic stay and Co-Debtor Stay shall be vacated thereby so that Movant, its agents, assigns or successors in interest, may take any and all action under applicable state law to exercise its remedies with respect to the Property; and it is further

ORDERED, that in the event the Debtor defaults in any Future Monthly Payments, beginning with the payment due July 2, 2018, in excess of three (3) times and Movant proceeds with the 10 days notice by ordinary mail as described above, and upon the filing with the Court of an affirmation of non-compliance—informing the court of said default(s) and requesting the entry of an order granting relief from the automatic stay and Co-Debtor Stay with respect to Movant; and upon the entry of that order for relief from the automatic stay and Co-Debtor Stay, the automatic stay and Co-Debtor Stay shall be vacated thereby so that Movant, its agents, assigns or successors in interest, may take any and all action under applicable state law to exercise its remedies with respect to the Property; and it is further

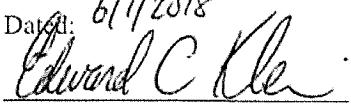
ORDERED, that the Trustee shall receive notice of surplus funds, if any, which may result from the foreclosure sale of the Property; and it is further

ORDERED, that this Order vacating the automatic stay and Co-Debtor Stay shall be binding and effective if the Debtor converts this case to another chapter under the U.S. Bankruptcy Code.

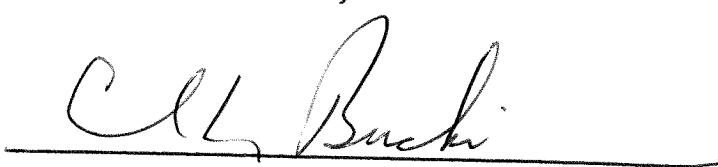
Dated: 5/31/18


Peter Grubea, Esq.
Attorney for Debtor
Law Office of Peter Grubea
336 Harris Hill Road, 2nd FL
Williamsville, NY 14221
By: Joseph E. Demarco

Dated: 6/1/2018


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JUL 18 2018 So ORDERED,


HON. CARL L. BUCKI, U.S.B.J.

